

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

DECLARATION

ATTORNEY'S DOCKET NO.
11443/160

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name,

I believe I am an original, first, and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **SURGICAL CUTTING AND STAPLING DEVICE**, the specification of which was filed on **February 23, 2004** as U.S. Patent Application Serial No. **10/785,672**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

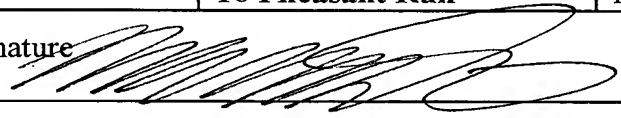
SEND CORRESPONDENCE, AND DIRECT TELEPHONE CALLS TO:

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New York, New York 10004
(212) 425-7200 (phone)
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I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

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Signature

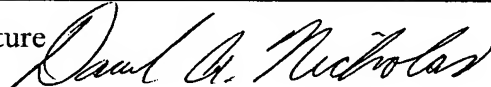


Date

4/15/04

FULL NAME OF INVENTOR	FAMILY NAME NICHOLAS	FIRST GIVEN NAME David	SECOND GIVEN NAME A.
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4/2/04